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Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities
Seventh session
New York, 16 January-3 February 2006

Report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities on its seventh session

I. Introduction

1. In its resolution 56/168 of 19 December 2001, the General Assembly decided to establish the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities, based on the holistic approach in the work done in the fields of social development, human rights and non-discrimination and taking into account the recommendations of the Commission on Human Rights and the Commission for Social Development.

2. In its resolution 60/232 of 23 December 2005, the General Assembly decided that the Ad Hoc Committee should hold, within existing resources, prior to the sixty-first session of the General Assembly, two sessions in 2006, one of 15 working days from 16 January to 3 February, in order to achieve a complete reading of the draft text of a convention prepared by the Chairman of the Ad Hoc Committee, and one of 10 working days from 7 to 18 August.

II. Organizational matters

A. Opening and duration of the seventh session

3. The Ad Hoc Committee held its seventh session at United Nations Headquarters from 16 January to 3 February 2006. In the course of its session, the Ad Hoc Committee held 30 meetings.

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4. The Division for Social Policy and Development of the Department of Economic and Social Affairs acted as the substantive secretariat, while the Disarmament and Decolonization Affairs Branch of the Department for General Assembly and Conference Management served as secretariat of the Ad Hoc Committee.

5. The seventh session of the Ad Hoc Committee was opened by the Chairman of the Committee, Don MacKay, Ambassador of New Zealand.

B. Officers

6. The following officers continued to serve on the Bureau of the Committee:

Chairman:
Don MacKay (New Zealand)

Vice-Chairpersons:
Jorge Ballestero (Costa Rica)
Petra Ali Doláková (Czech Republic)[1]
Mu'taz Hyassat (Jordan)
Laoura Lazouras (South Africa)

C. Agenda

7. At its 1st meeting, on 16 January 2006, the Ad Hoc Committee adopted its provisional agenda, as contained in document A/AC.265/2006/L.1, as follows:

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda.
4. Organization of work.
5. Continuation of the review of the draft Convention, based on the draft text proposed by the Chair (A/AC.265/2006/1).
6. Conclusion of the Ad Hoc Committee at its seventh session.
7. Adoption of the report of the Ad Hoc Committee on its seventh session.

D. Documentation

8. The Ad Hoc Committee had before it the following documents:

(a) Provisional agenda (A/AC.265/2006/L.1);

(b) Proposed organization of work (A/AC.265/2006/L.2);

(c) Letter dated 7 October 2005 from the Chairman to all members of the Committee (A/AC.265/2006/1);

[1] Elected on 16 January 2006.

(d) List of participants (A/AC.265/2006/INF/1);

(e) Concept of reasonable accommodation in selected national disability legislation: background conference document prepared by the Department of Economic and Social Affairs (A/AC.265/2006/CRP.1);

(f) Draft final provisions for the disability convention: background conference document prepared by the Office of the United Nations High Commissioner for Human Rights (A/AC.265/2006/CRP.2);

(g) Accessibility to information and communications: perspectives of the visually impaired: background conference document prepared by the Department of Economic and Social Affairs (A/AC.265/2006/CRP.3);

(h) Expert paper on existing monitoring mechanisms, possible relevant improvements and possible innovations in monitoring mechanisms for a comprehensive and integral international convention on the protection and promotion of the rights and dignity of persons with disabilities: background conference document prepared by the Office of the United Nations High Commissioner for Human Rights (A/AC.265/2006/CRP.4).

III. Organization of work

9. During its seventh session, the Ad Hoc Committee conducted informal discussions on articles 1 to 34, the preamble and the title of the draft convention in accordance with the programme of work adopted at its first meeting, on 16 January 2006. On 3 February, at its 30th meeting, the Ad Hoc Committee heard the report of the Chairman on the progress of informal discussions on articles 1 to 34, the preamble and the title of the draft convention (see annex II). The Committee decided to continue to review the draft convention at its next session.

IV. Recommendations

10. The Ad Hoc Committee recommends that it continue its work at its eighth session, to be held from 14 to 25 August 2006.

11. The Ad Hoc Committee invites members of its Bureau to hold intersessional meetings regarding the preparation and organization of its eighth session, including the preparation of the provisional agenda, to be issued at least four weeks prior to the eighth session.

12. With regard to accessibility, and in accordance with General Assembly resolutions 58/246, 59/198 and 60/232 and decision 56/474, the Committee reiterated the need for additional efforts to ensure accessibility at the United Nations, with reasonable accommodation regarding facilities and documentation, for all persons with disabilities.

13. At its 30th meeting, on 3 February, the Secretary of the Committee read out a statement on behalf of the Secretary-General on the financial implications of the draft resolution contained in paragraph 14 of the current report. The representative of the United States of America expressed the reservations of his delegation on the possible financial implications of the draft resolution.

14. The Committee recommends to the General Assembly the following draft resolution:

"*The General Assembly*,

"*Recalling* its resolution 60/232 of 23 December 2005 and its decision 56/474 of 23 July 2002 on the need for additional efforts to ensure accessibility at the United Nations, with reasonable accommodation regarding facilities and documentation, for all persons with disabilities,

"1. *Welcomes* the efforts made by the Secretary-General to explore and implement innovative measures for the provision of selected documents in Braille to the Ad Hoc Committee at its seventh session;

"2. *Welcomes also* the donation to the United Nations of a Braille printer by Services for the Visually Impaired and Braille software by Duxbury System;

"3. Requests the Secretary-General to ensure that selected pre-session documents as well as in-session documents be reproduced in Braille at all forthcoming sessions of the Ad Hoc Committee."

V. Adoption of the report of the Ad Hoc Committee

15. At its 30th meeting, on 3 February, the Committee adopted the draft report on its seventh session (A/AC.265/2006/L.3), with the title of annex II orally amended to read as follows: "International Convention on the Rights of Persons with Disabilities: working text".

Annex I

Additional non-governmental organizations accredited to the Ad Hoc Committee

Arab Organization of Disabled People

Asia Pacific Disability Forum

Association of Disabled Women and Mothers of Disabled Children

Disabled People's Rehabilitation and Employment Union of Georgia

National Federation of Organizations of Persons with Disabilities of Honduras

Fédération togolaise des personnes handicapées

Global Deaf Connection

Impact Foundation Bangladesh

Junior Chamber International Nigeria

Life Vanguards

Light for the World

Mine Combat Organization

Harmony of the World

Little People of Kosova

Planwell Group Organization

Projet de Réadaptation à Base Communautaire des Aveugles et Autres Personnes Handicapées du Niger

Scope

Statute of Mine Combat Organization

The Cambodia Trust

Threshold Association

United States Burn Support Organization

Vietnam Veterans of America Foundation

Annex II

International Convention on the Rights of Persons with Disabilities

Working text

The States Parties to the present Convention,

(a) *Recalling* the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

(b) *Recognizing* that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind,

(c) *Reaffirming* the universality, indivisibility and interdependence of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination,

(d) *Recalling* the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

(e) *Recognizing* the importance of the principles and policy guidelines contained in the World Programme of Action concerning Disabled Persons and in the Standard Rules on the Equalization of Opportunities for Persons with Disabilities in influencing the promotion, formulation and evaluation of the policies, plans, programmes and actions at the national, regional and international levels to further equalize opportunities for persons with disabilities,

(f) *Recognizing* also that discrimination against any person on the basis of disability is a violation of the inherent dignity of the human person,

(g) *Recognizing further* the diversity of persons with disabilities,

(h) *Recognizing* the need to promote and protect the human rights of all people with disabilities, including those who require more intensive support,

(i) *Concerned* that, despite these various instruments and undertakings, persons with disabilities continue to face barriers in their participation as equal members of society and violations of their human rights in all parts of the world,

(j) *Recognizing* the importance of international cooperation for improving the living conditions of persons with disabilities in every country, in particular in developing countries,

(k) *Emphasizing* the importance of recognizing the valued existing and potential contributions made by persons with disabilities to the overall well-being and diversity of their communities, and that the promotion of the full enjoyment by persons with disabilities of their human rights and fundamental freedoms and of the full participation by persons with disabilities will result in their enhanced sense of belonging and in significant advances in the human, social and economic development of society and the eradication of poverty,

(l) *Recognizing* the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices,

(m) *Considering* that persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them,

(n) *Concerned* about the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, gender, language, religion, political or other opinion, national, ethnic or social origin, property, birth, age or other status,

(o) *Recognizing* that women and girls with disabilities are often at greater risk, both within and outside the home, of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including their gender-based manifestations,

(p) *Recognizing also* that children with disabilities should have full enjoyment of all human rights and fundamental freedoms on an equal basis with other children, and recalling the obligations to that end undertaken by States Parties to the Convention on the Rights of the Child,

(q) *Emphasizing* the need to incorporate a gender perspective in all efforts to promote the full enjoyment of human rights and fundamental freedoms by persons with disabilities,

(r) *Highlighting* the fact that the majority of persons with disabilities live in conditions of poverty, and recognizing in this regard the critical need to address the negative impact of poverty on persons with disabilities,

(s) *Concerned* that situations of armed conflict and the occurrence of natural disasters have considerably increased the experience of disability in war-stricken and disaster-prone countries, as well as having especially devastating consequences for the human rights of persons with disabilities,

(t) *Recognizing* the importance of accessibility to the physical, social, economic and cultural environment, health and education and information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms,

(u) *Realizing* that the individual, having duties to other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the International Bill of Human Rights,

(v) *Convinced* that a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities will make a significant contribution to redressing the profound social disadvantage of persons with disabilities and promote their participation in the civil, political, economic, social and cultural spheres with equal opportunities, in both developing and developed countries,

[Convinced that the family, as the fundamental group of society, should receive support, information, and services to enable it to contribute towards the full and equal enjoyment of the rights of persons with disabilities,]

Have agreed as follows:

Article 1
Purpose

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities, and to promote respect for their inherent dignity.

Article 2
Definitions

For the purposes of the present Convention:

"Communication" includes spoken and signed languages, the display of text, and Braille, and tactile communication, large print, written, audio, accessible multimedia, plain language, human reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;

"Disability"/"Persons with disabilities" ...

"Discrimination on the basis of disability" means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation [and direct and indirect discrimination];

"Language" includes spoken and signed languages and other forms of non-spoken languages;

["National laws of general application" means laws that apply to society as a whole and which do not differentiate in respect of persons with disabilities. "National laws and procedures of general application" and "national laws, customs and traditions of general application" shall have the same meaning, mutatis mutandis;]

"Reasonable accommodation" means necessary and appropriate modification and adjustments not imposing a disproportionate burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;

"Universal design" and "inclusive design" mean the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. "Universal design" and "inclusive design" shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

Article 3
General principles

The principles of the present Convention shall be:

(a) Respect for inherent dignity, individual autonomy, including the freedom to make one's own choices, and independence of persons;

(b) Non-discrimination;

(c) Full and effective participation and inclusion in society;

(d) Respect for difference and acceptance of disability as part of human diversity and humanity;

(e) Equality of opportunity;

(f) Accessibility;

(g) Equality between men and women;

(h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Article 4
General obligations

1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:

(a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;

(b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against people with disabilities;

(c) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;

(d) To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;

(e) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;

(f) To undertake or promote the research, development, availability and use of:

(i) Universally designed goods, services, equipment and facilities, to meet the specific needs of persons with disabilities, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, and to promote universal design in the development of standards and guidelines;

(ii) New technologies, including information and communication technologies, mobility aids, devices, assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;

(g) To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;

(h) To promote the training of professionals and staff working with persons with disabilities in the rights recognized in the present Convention so as to better provide the assistance and services guaranteed by those rights.

2. With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to the immediately applicable obligations emanating from international human rights law.

3. In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.

4. Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Convention pursuant to law, conventions, regulation or custom on the pretext that the present Convention does not recognize such rights or that it recognizes them to a lesser extent.

5. The provisions of the present Convention shall extend to all parts of federal States without any limitations or exceptions.

Article 5
Equality and non-discrimination

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.

2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.

3. In order to promote equality and eliminate discrimination States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.

4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

Article 6
Women with disabilities

1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination and that focused, empowerment and gender-sensitive measures are necessary to ensure the full and equal enjoyment by women and girls with disabilities of all human rights and fundamental freedoms.

2. States Parties shall take all appropriate measures to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

Article 7
Children with disabilities

1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms and ensure the equal rights of children with disabilities to the enjoyment of all rights set out in the present Convention.

2. In all actions concerning children with disabilities the best interest of the child shall be a primary consideration.

3. State Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

Article 8
Awareness-raising

1. States Parties undertake to adopt immediate, effective and appropriate measures:

(a) To raise awareness throughout society regarding persons with disabilities and to foster respect for their rights and dignity;

(b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on gender and age, in all areas of life;

(c) To promote awareness of the capabilities and contributions of persons with disabilities.

2. Measures to this end include:

(a) Initiating and maintaining effective public awareness campaigns designed:

(i) To nurture receptiveness to the rights of persons with disabilities;

(ii) To promote positive perceptions and greater social awareness towards persons with disabilities;

(iii) To promote recognition of the skills, merits, abilities and contributions of persons with disabilities to the workplace and the labour market;

(b) Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;

(c) Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;

(d) Promoting awareness training programmes regarding people with disabilities and their rights.

Article 9
Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

(a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;

(b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures:

(a) To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;

(b) To ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;

(c) To provide training for stakeholders on accessibility issues facing persons with disabilities;

(d) To provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;

(e) To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;

(f) To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;

(g) To promote access for persons with disabilities to new information and communication technologies and systems, including the Internet;

(h) To promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

Article 10
Right to life

States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

Article 11
Situations of risk

States Parties recognize that in situations of risk to the general population [, including situations of ....,] persons with disabilities are a group in especially vulnerable circumstances and shall take all feasible measures for their protection.

Article 12
Equal recognition before the law

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.

[2. States Parties shall recognize that persons with disabilities have [legal capacity][1] on an equal basis with others in all fields and shall ensure that where support is required to exercise that capacity:

(a) The assistance provided is proportional to the degree of support required and tailored to the person's circumstances, that such support does not undermine the legal rights of the person, respects the will and preferences of the person and is free from conflict of interest and undue influence. Such support shall be subject to regular and independent review;

(b) Where States Parties provide for a procedure, which shall be established by law, for the appointment of personal representation as a matter of last resort, such a law shall provide appropriate safeguards, including regular review of the appointment of and decisions made by the personal representative by a competent, impartial and independent tribunal. The appointment and conduct of the personal representative shall be guided by principles consistent with the present Convention and international human rights law.]

or: alternative:

[2. States Parties shall recognize that persons with disabilities enjoy legal capacity[1] on an equal basis with others in all aspects of life.

2 bis. States Parties shall take appropriate legislative and other measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.

[1] See A/AC.265/2005/2, annex II, para. 20.

2 ter. States Parties shall ensure that all legislative or other measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to periodic impartial and independent judicial review. The safeguards shall be proportional to the degree to which such measures affect the persons' rights and interests.]

3. States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

Article 13
Access to justice

1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

2. In order to help ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

Article 14
Liberty and security of the person

1. States Parties shall ensure that persons with disabilities, on an equal basis with others:

(a) Enjoy the right to liberty and security of the person;

(b) Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and in no case shall the existence of a disability justify a deprivation of liberty.

2. States Parties shall ensure that if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of the present Convention, including by provision of reasonable accommodation.

Article 15
Freedom from torture or cruel, inhuman or degrading treatment or punishment

1. No person with disabilities shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, States Parties shall prohibit, and protect persons with disabilities from, medical or scientific experimentation without the free and informed consent of the person concerned.

2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

Article 16
Freedom from exploitation, violence and abuse

1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.

2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age, gender and disability sensitive.

3. In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.

4. States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.

5. States Parties shall put in place effective legislation and policies, including gender- and children-specific legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

Article 17
Protecting the integrity of the person

1. States Parties shall protect the integrity of the person or persons with disabilities on an equal basis with others.

2. States Parties shall protect persons with disabilities from forced interventions or forced institutionalization aimed at correcting, improving or alleviating any actual or perceived impairment.

3. In cases of medical emergency or issues of risk to public health involving involuntary interventions, persons with disabilities shall be treated on an equal basis with others.

[4. States Parties shall ensure that involuntary treatment of persons with disabilities is:

(a) Minimized through the active promotion of alternatives;

(b) Undertaken only in exceptional circumstances, in accordance with procedures established by law and with the application of appropriate legal safeguards;

(c) Undertaken in the least restrictive setting possible, and that the best interests of the person concerned are fully taken into account;

(d) Appropriate for the person and provided without financial cost to the individual receiving the treatment or to his or her family.]

Article 18
Liberty of movement and nationality

1. States Parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities:

(a) Have the right to acquire and change a nationality and are not deprived of their nationality arbitrarily or on the basis of disability;

(b) Are not deprived, on the basis of disability, of their ability to obtain, possess and utilize documentation of their nationality or other documentation of identification, or to utilize relevant processes such as immigration proceedings, that may be needed to facilitate exercise of the right to liberty of movement;

(c) Are free to leave any country, including their own;

(d) Are not deprived, arbitrarily or on the basis of disability, of the right to enter their own country.

2. Children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents.

Article 19
Living independently and being included in the community

States Parties to the present Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

(a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;

(b) Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;

(c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

Article 20
Personal mobility

States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:

(a) Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;

(b) Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost;

(c) Providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities;

(d) Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

Article 21
Freedom of expression and opinion, and access to information

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise their right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through sign languages, Braille, augmentative and alternative communication and all other accessible means, modes and formats of communication of their choice,[2] including by:

(a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;

(b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;

(c) Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;

(d) Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;

(e) Recognizing and promoting the use of sign language.

Article 22
Respect for privacy

1. No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her

[2] The Ad Hoc Committee may wish to revisit this list after it has discussed the definitions article. If delegations are happy with the definition of communication in that article, the Committee may wish to use that term here, rather than specifying the full list.

privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks.

2. States Parties shall protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others.

Article 23
Respect for home and the family

1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family and personal relations, and shall ensure that national laws, customs and traditions relating to marriage, family and personal relationships do not discriminate on the basis of disability so that:[3]

(a) Persons with disabilities have the equal opportunity to [experience their sexuality,] have sexual and other intimate relationships and experience parenthood;

(b) The right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;

(c) The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education, the means necessary to enable them to exercise these rights and the equal opportunity to retain their fertility.

2. States Parties shall ensure the rights and responsibilities of persons with disabilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.

3. States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.

4. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.

[3] The Ad Hoc Committee notes that this article is not intended to affect the ability of States Parties to determine their own policies and legislation on marriage, the family and personal relationships. Rather, the effect of this article is to oblige States Parties to ensure that where freedoms or restrictions on those issues exist, they are applied without discrimination on the basis of disability.

5. States Parties shall undertake that where the immediate family is unable to care for a child with disabilities, to take every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

Article 24
Education

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels, and lifelong learning, directed to:

(a) The full development of the human potential and sense of dignity and self worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;

(b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;

(c) Enabling persons with disabilities to participate effectively in a free society.

2. In realizing this right, States Parties shall ensure:

(a) That persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary and secondary education on the basis of disability;

(b) That persons with disabilities can access inclusive, quality, free primary and secondary education on an equal basis with others in the communities in which they live;

(c) Reasonable accommodation of the individual's requirements;

(d) That persons with disabilities receive the support required, within the general education system, to facilitate their effective education. [In order to meet adequately] [In those circumstances where the general education system cannot adequately meet] the individual support needs of persons with disabilities, States Parties shall ensure that effective individualized support measures are provided in environments which maximize academic and social development, consistent with the goal of full inclusion.

3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

(a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication, orientation and mobility skills, and facilitating peer support and mentoring;

(b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;

(c) Ensuring that the education of persons, and in particular children, who are blind, deaf and deaf-blind, is delivered in the most appropriate languages and

modes and means of communication for the individual, and in environments which maximize academic and social development.

4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including those with disabilities, who are fluent in sign language and Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

Article 25
Health

States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender sensitive, including health-related rehabilitation. In particular, States Parties shall:

(a) Provide persons with disabilities with the same range, quality and standard of free or affordable health services as provided other persons, [including sexual and reproductive health services][4] and population-based public health programmes;

(b) Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and the elderly;

(c) Provide these health services as close as possible to people's own communities, including in rural areas;

(d) Require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent by, inter alia, raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private health care;

[4] The Ad Hoc Committee notes that the use of the phrase "sexual and reproductive health services" would not constitute recognition of any new international law obligations or human rights. The Ad Hoc Committee understands draft paragraph (a) to be a non-discrimination provision that does not add to, or alter, the right to health as contained in article 12 of the International Covenant on Economic, Social and Cultural Rights or article 24 of the Convention on the Rights of the Child. Rather, the effect of paragraph (a) would be to require States Parties to ensure that where health services are provided, they are provided without discrimination on the basis of disability.

(e) Prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance where such insurance is permitted by national law, which shall be provided in a fair and reasonable manner.

Article 26
Habilitation and rehabilitation

1. States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain their maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States Parties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services, particularly in the areas of health, employment, education and social services, in such a way that:

(a) Habilitation and rehabilitation services and programmes begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;

(b) Habilitation and rehabilitation services and programmes support participation and inclusion in the community and all aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas.

2. States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services.[5]

Article 27
Work and employment

1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, inter alia:

(a) To prohibit discrimination on the basis of disability with regard to all matters concerning employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement, and working conditions;

(b) To protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redressing of grievances;

(c) To ensure that persons with disabilities are able to exercise their labour and trade union rights [on an equal basis with others and in accordance with national laws of general application];

[5] Members of the Ad Hoc Committee may wish to consider whether to delete paragraph 2 following the discussion of a general obligation on training in draft article 4.

(d) To enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;

(e) To promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining and maintaining and returning to employment;

(f) To promote opportunities for self-employment, entrepreneurship and starting one's own business;

(g) To employ persons with disabilities in the public sector;

(h) To promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;

(i) To ensure that reasonable accommodation is provided to persons with disabilities in the workplace;

(j) To promote the acquisition by persons with disabilities of work experience in the open labour market;

(k) To promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

Article 28
Adequate standard of living and social [protection][6]

1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing and to the continuous improvement of living conditions, including equal access to clean water, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.

2. States Parties recognize the right of persons with disabilities to social [protection], and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:

(a) To ensure access by persons with disabilities to appropriate and affordable services, devices and other assistance for disability-related needs;

(b) To ensure access by persons with disabilities, [in particular women and girls with disabilities and the aged with disabilities,] to social [protection] programmes and poverty reduction programmes;

[6] The Ad Hoc Committee has used the term social protection on the understanding that it has a broad interpretation, as contained in the report of the Secretary-General to the Commission for Social Development at its thirty-ninth session (E/CN.5/2001/2).

(c) To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses (including adequate training, counselling, financial assistance and respite care);

(d) To ensure access by persons with disabilities to public housing programmes.

[(e) To ensure equal access by persons with disabilities to retirement benefits and programmes.]

Article 29
Participation in political and public life

States Parties shall guarantee to persons with disabilities their political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake:

(a) To ensure that persons with disabilities can effectively and fully participate in political and public life [on an equal basis with others in accordance with national laws of general application], directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:

(i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;

(ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums, without intimidation, and to stand for elections and to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;

(iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;

(b) To promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:

(i) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;

(ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

Article 30
Participation in cultural life, recreation, leisure and sport

1. States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:

(a) Enjoy access to cultural materials in accessible formats;

(b) Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;

(c) Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.

2. States Parties shall take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society.

3. States Parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.

4. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.

5. With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures:

(a) To encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;

(b) To ensure that persons with disabilities have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities, and to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training and resources;

(c) To ensure that persons with disabilities have access to sporting and recreational and tourism venues;

(d) To ensure that children with disabilities have equal access to participation in play, recreation, and leisure and sporting activities, including those activities in the school system;

(e) To ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities.

Article 31
Statistics and data collection

1. States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:

(a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;

(b) Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles of statistics.

2. The information collected in accordance with this article shall be disaggregated as appropriate and used to help assess the implementation of States Parties' obligations under the present Convention, and to identify and address the barriers faced by persons with disabilities in exercising their rights.

3. States Parties shall assume the responsibility for the dissemination of these statistics and ensure their accessibility to people with disabilities and others.

[Article 32
International cooperation]

1. States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities. Such measures could include, inter alia:

(a) Ensuring that international cooperation, including international development programmes, are inclusive of, and accessible to, persons with disabilities;

(b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;

(c) Facilitating cooperation in research and access to scientific and technical knowledge;

(d) Providing, as appropriate, technical and economic assistance, including by facilitating access to and the sharing of accessible and assistive technologies, and through the transfer of technologies.

[2. States Parties recognize further that while international cooperation plays a supplementary and supportive role, each State Party undertakes to fulfil its obligations under the present Convention.]

[2. Each State Party undertakes to fulfil its obligations under the present Convention, irrespective of international cooperation.]

Article 33
National implementation and monitoring

1. States Parties shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism to facilitate related action in different sectors and at different levels.

2. States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish at the national level an independent mechanism to promote, protect and monitor implementation of the present Convention, taking into account, where necessary, gender- and age-specific issues.

When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.

3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.